

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
N/S Church Lane, approx. 1300 ft.,
1750 ft. & 1800 ft. W of York Rd * ZONING COMMISSIONER
118, 140 & 144 Church Lane
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
Sterling Industry Lane LLC, * Case No. 99-33-SPH
c/o Sterling Capital LTD, Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the properties known as 118, 140 and 144 Church Lane located in the Texas/Cockeysville community of northern Baltimore County. The Petition was filed by Sterling Industry Lane LLC, property owner. Special Hearing relief is requested to approve a waiver, pursuant to Section 26-172, of Sections 26-203(C)(8), 26-172(b) and 26-278 of the Baltimore County Code, to permit the razing of three structures on the above referenced properties. The subject properties and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

9/23/98
[Signature]
Appearing at the requisite public hearing held for this case was Daniel Waguespack, on behalf of The Home Depot Company, Inc., Contract Purchaser. Also present was Valek Zarski from George W. Stephens, Inc., the consultants who prepared the site plan. Two neighbors from the vicinity, George Eckhart III and Margaret Eckhart appeared in support of the request. Testimony was received from Kathryn M. Kuranda from R. Christopher Goodwin & Associates, Inc., the firm which conducted an historic investigation of the referenced properties. Judith S. Kremen from the Baltimore County Historic Trust also appeared and testified at the hearing. The Petitioner was represented by Robert A. Hoffman, Esquire. There were no Protestants present.

The overall tract of which the subject properties are a part thereof is irregularly shaped, approximately 16.648 acres in area, zoned B.M. The primary road frontage of this tract is on Industry Lane. The property is presently under ownership of Sterling Industry Lane LLC. It is proposed for development with a Home Depot store and accessory parking lot. Vehicular access to the Home Depot store will be by way of Industry Lane.

The subject three properties at issue are located on the southern portion of the tract and represent that part of the tract which abuts Church Lane. Although part of the overall tract, these three individual lots will not be developed as part of the construction of the Home Depot store and parking area. In essence, these three individual lots are on the fringe of the overall tract. Each of the 3 lots was improved with a building/dwelling.

As a result of an overall study of historical resources in the Texas community of Baltimore County began in 1978, Maryland Historic Trust inventory numbers were assigned to these three sites; namely, BA1809, BA1888 and BA1820. The structures situated on these three lots were originally used as dwellings. In preparation to develop the overall site for the Home Depot store, the owner applied for a demolition permit to raze the three structures. Shortly before the permits would have been issued to permit demolition, the owner was informed by the Department of Permits and Development Management that a policy had been instituted requiring that any demolition permit for a structure on the MHT inventory would first have to be reviewed by way of a Petition for Special Hearing. The purpose of that hearing is to obtain a finding from the Hearing Officer regarding compliance with Baltimore County Code Section 26-278, which requires that historic structures "must be preserved". The Petition for Special Hearing was scheduled for public hearing for August 19, 1998 and

ORDERED FOR FILING
Date 8/23/98
By [Signature]

arrangements were made to have the matter presented for advisory review by the Landmarks Preservation Commission at its meeting on August 13, 1998.

On or about July 21, 1998 and without the permits having been issued, the three buildings were demolished by the owner's subcontractor. The property owner, through counsel, advised that the demolitions were inadvertent and had been performed without the knowledge or approval of the owner. The property owner immediately reported the matter to the Department of Permits and Development Management upon which the County issued citations. These citations are not the subject matter of the hearing before me, but have been duly considered by Stanley Schapiro, the County's Hearing Officer for zoning violation matters.

Testimony and evidence presented at the hearing before me was from Kathryn M. Kuranda, from R. Christopher Goodwin and Associates. A copy of her full report was submitted as Petitioner's Exhibit No. 3. Ms. Kuranda presented testimony about the subject community and the historic significance of these properties. She indicated that the Texas community was established in approximately 1900 and was settled by Irish immigrants. A lime kiln manufacturing process was the primary vocational focus of the community. The three properties at issue each contained buildings which were formerly used as dwellings. Ms. Kuranda testified that the buildings were not significant from a historical standpoint and concluded that they did not meet the criteria to be preserved in Baltimore County. Specifically, she opined that none of the three buildings would have been likely to qualify through the Baltimore County Landmarks list.

Ms. Kuranda presented similar testimony at the Landmarks Preservation Commission on August 13, 1998 meeting. As a result of her presentation and comments received from John W. McGrain on behalf of Baltimore County,

ORDER RECEIVED FOR FILING

Date

by

the LPC concurred that none of the three dwellings would have been likely to qualify for the Baltimore County Landmarks Preservation list.

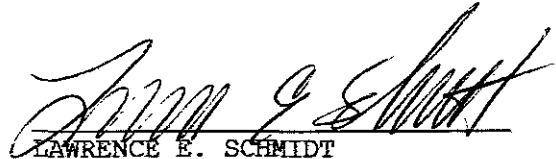
Based upon this uncontradicted testimony and the recommendation of the office of the Landmarks Preservation Commission presented through the Office of Planning, I am persuaded to grant the Petition for Special Hearing. Clearly, the actual demolitions of the buildings make literal compliance with the requirements set forth Section 26-278 that historic structures "must be preserved", moot. The buildings have been razed and reconstruction is not warranted. Nonetheless, a finding can be made that, based upon the unique circumstances of this case, literal compliance with Section 26-278 cannot be achieved and that the hearing before Mr. Schapiro for imposition of penalties for violations has satisfactorily disposed of the matter. In sum, it is doubtful whether the buildings were worth preservation from an historic perspective. Yet, the subcontractor's demolition of the buildings without regard to the County process should not be sanctioned or endorsed. I will leave it to Mr. Schapiro's discretion to impose the appropriate penalty.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 23rd day of September 1998 that, pursuant to the Petition for Special Hearing, approval for a waiver, pursuant to Section 26-172, of Sections 26-203(C)(8), 26-172(b) and 26-278 of the Baltimore County Code to permit the razing of three structures on the above referenced properties, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING
Date 9/23/98
By [Signature]

Any appeal from this decision must be taken in accordance with the applicable provisions set forth in Section 26-132 of the Baltimore County Code.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:ramn

ORDEN RECEIVED FOR FILING
Date 9/23/98
By M. Gervais



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

September 23, 1998

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

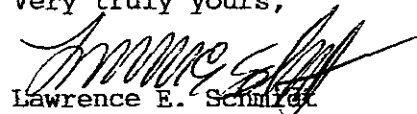
RE: Petition for Special Hearing
118,140 and 144 Church Lane
Case No. 99-33-SPH
Sterling Industry Lane, LLC, Petitioner

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,


Lawrence E. Schmitt
Zoning Commissioner

LES:mmm
att.

c: Mr. Valek Zarski, 658 Kenilworth Drive, Suite 100, Towson, Md. 21204
c: Mr. Daniel Waguespack, 1755 The Exchange, Atlanta, GA 30345
c: Mr. and Mrs. George Eckhart, III, 132 Church Lane, Cockeysville 21030
c: Ms. Judith Kremen, Balto. Co. Historic Trust, P.O. Box 10067
Baltimore, Maryland 21285



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 118 Church Lane, 140 Church Lane, 144 Church Lane

which is presently zoned BM

This Petition shall be filed with the Department of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

a waiver pursuant to Section 26-17~~15~~^{Section 26-172(c)}, BCC of Sections 26-203 (C)(8)^{and} and Section 26-278 to raze three structures: 144 Church Lane, 140 Church Lane, and 118 Church Lane

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

Address

(410) 494-6200

Phone No

Towson

City

MD

State

21204

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s):

Sterling Industry Lane, L.L.C., c/o Sterling Capital, L.T.D.

(Type or Print Name)

Signature Eric Becker, Member

(Type or Print Name)

Signature

650 Dundee Road, Suite 370

Address

847-480-4000

Phone No

Northbrook

City

IL

State

60062

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

Robert A. Hoffman
Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave, Towson, MD 21204

Address

(410) 494-6200

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

DROP OFF
NO REVIEW

7/20/98
44

99.33.5PH

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description to accompany zoning petition for
-144 Church Lane
-140 Church Lane
-118 Church Lane

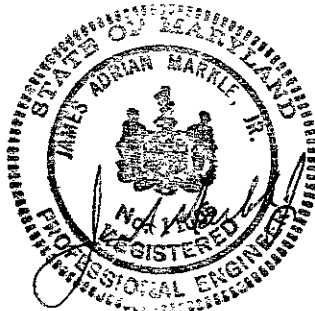
July 2, 1998

Beginning for the same at a point on the southwestern side of Industry Lane, right-of-way width varies, said point of beginning being southwest 400 feet more or less from the intersection formed by the extension of the centerline of York Road with said southwestern side of York Road, running thence leaving said point of beginning binding on part of said southwestern side of Industry Lane,

1) South 18 degrees 35 minutes 55 seconds east 224.28 feet, running thence leaving said southwestern side of Industry Lane, binding on the zoning petition lines now being described, the fifteen following courses;

- 2) Radius 590.00, 161.73 feet chord south 02 degrees 16 minutes 50 seconds east 161.22 feet.,
 - 3) South 10 degrees 08 minutes 00 seconds West 250.00 feet,
 - 4) North 83 degrees 05 minutes 45 seconds West 490.17 feet,
 - 5) South 06 degrees 54 minutes 15 seconds West 293.00 feet,
 - 6) North 83 degrees 05 minutes 45 seconds West 81.13 feet,
 - 7) North 06 degrees 54 minutes 15 seconds East 135.00 feet,
 - 8) North 83 degrees 05 minutes 45 seconds West 375.00 feet,
 - 9) South 06 degrees 54 minutes 15 seconds West 135.00 feet,
 - 10) North 83 degrees 05 minutes 45 seconds West 150.00 feet,
 - 11) North 06 degrees 54 minutes 15 seconds East 135.00 feet,
 - 12) North 83 degrees 05 minutes 45 seconds West 73.87 feet,
 - 13) North 04 degrees 54 minutes 15 seconds East 184.24 feet,
 - 14) North 02 degrees 11 minutes 05 seconds East 367.73 feet,
 - 15) Radius 416.80, 122.57 chord North 77 degrees 11 minutes 47 seconds East 122.13 feet and
 - 16) North 85 degrees 37 minutes 15 seconds East 958.17 feet to the point of beginning.
- Containing 725187 Sq. Ft. Or 16.648 Acres of land more or less.

(NOTE: The above description is for zoning purposes only and is not to be used for conveyances or agreements.)



44.33.5PH

BALTIMORE COUNTY, MARYL
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 055913

DATE 7/20/98 ACCOUNT 001-6150

AMOUNT \$ 250.00 (WCR)

RECEIVED FROM: Venable, Baetjer & Howard

FOR: SPECIAL HEARING

118, 140, 144 Church Lane
Item #33 Case #99-33-SPH

Drop-Off No Review

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
7/23/1998	7/23/1998	11:27:56
REG WCR	CASHIER LONI LXS	DRAWER 5
5 MISCELLANEOUS CASH RECEIPT		
Receipt #	055913	DELX
CR NO.	055913	

250.00 CHECK: FM
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/30/, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/30/, 1998.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-33-SPH
118, 140, & 144 Church Lane
N/S Church Lane, approximately 1300' & 1750' & 1800'
W of York Road
8th Election District
3rd Councilmanic District
Legal Owner(s): Sterling Industry Lane, L.L.C., c/o Sterling Capital, L.T.D.

Special Hearing: to approve a waiver pursuant to Section 26-171, BCC of Sections 26-203 (C) (8), Section 26-172 (b) and Section 26-278 to raze three structures: 144 Church Lane, 140 Church Lane, and 118 Church Lane.

Hearing: Wednesday, August 19, 1998 at 2:00 p.m., in Room 407, County Courts Bldg., 461 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations, Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

7/5/83 July 30 C247292

CERTIFICATE OF POSTING

RE: Case No.: 99-33-SPH

Petitioner/Developer: A.A.I., ETAL

FAX 821-0147 c/o ROBERT HOFFMAN

Date of Hearing/Closing: 8/19/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #118, 140 & 144 CHURCH LA

The sign(s) were posted on 8/4/98
(Month, Day, Year)

Sincerely,

Patrick M O'Keefe

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)

ZONING NOTICE

Case #: 99-33-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE
TIME & DATE: WEDNESDAY AUGUST 19, 1998 AT 2:00 PM
SPECIAL HEARING TO APPROVE A MAJOR PURSUANT
TO SECTION 24-111, 24-112 (A) BCC OF SECTION
24-201(C)(1) AND SECTION 24-278 TO RAZE
THREE STRUCTURES ON, 140 AND 144 CHURCH LANE.

ZONING NOTICE

Case #: 99-33-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE
TIME & DATE: WEDNESDAY AUGUST 19, 1998 AT 2:00 PM
SPECIAL HEARING TO APPROVE A MAJOR PURSUANT
TO SECTION 24-111, 24-112 (A) BCC OF SECTION
24-201(C)(1) AND SECTION 24-278 TO RAZE
THREE STRUCTURES ON, 140 AND 144 CHURCH LANE.

ZONING NOTICE

Case #: 99-33-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE
TIME & DATE: WEDNESDAY AUGUST 19, 1998 AT 2:00 PM
SPECIAL HEARING TO APPROVE A MAJOR PURSUANT
TO SECTION 24-111, 24-112 (A) BCC OF SECTION
24-201(C)(1) AND SECTION 24-278 TO RAZE
THREE STRUCTURES ON, 140 AND 144 CHURCH
LANE.

99-33-SPH
CHURCH LA.

VBH #118, 140 & 144. H. 8/19/98

99-33-SPH
#118, 140 & 144 CHURCH LANE
VBH

H. 8/19/98

CERTIFICATE OF POSTING

RE: Case No.: 99-33 SPH

Petitioner/Developer: A.A.I. ETAL
C/O ROBERT HOFFMAN, ESQ

Date of Hearing/Closing: 8/19/98
C 200P1
RU-407

Baltimore County Department of
 Permits and Development Management
 County Office Building, Room 111
 111 West Chesapeake Avenue
 Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
 were posted conspicuously on the property located at #118, 140 & 144
CHURCH LANE

The sign(s) were posted on 8/3/98
 (Month/Day, Year)

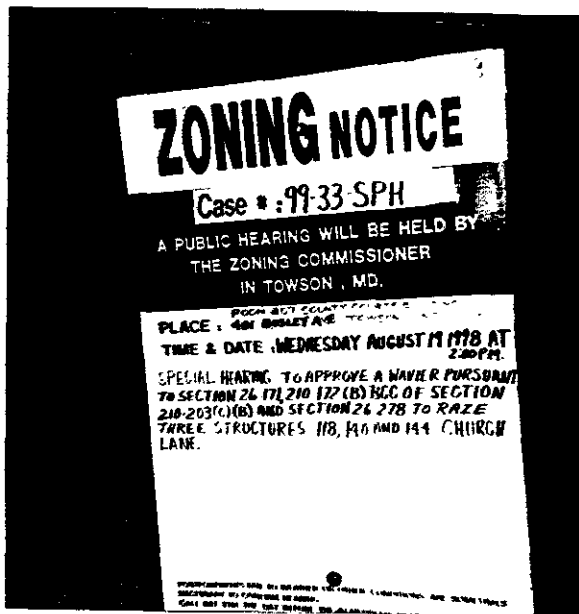
Sincerely,
Patrick M. O'Keefe 8/12/98
Patrick M O'Keefe 8/12/98
 (Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
 (Printed Name)

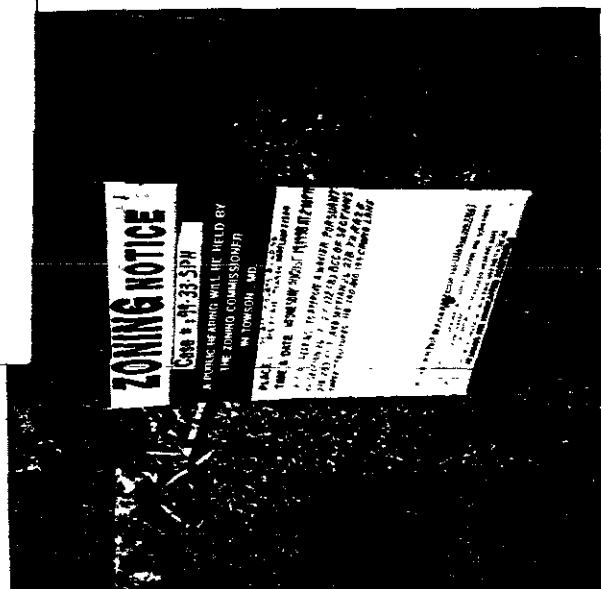
523 PENNY LANE
 (Address)

HUNT VALLEY, MD. 210.
 (City, State, Zip Code)

410-666-5366 ; CELL-410-905-
 (Telephone Number)



#118, 140 & 144 CHURCH LANE
 VBH
 99-33-SPH
 H-8/19/98



99-33-SPH
 CHURCH L.A.
 #118, 140 & 144.
 VBH
 H-8/19/98

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No. 99-33-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: ROOM 407, COUNTY COURTS BLDG, 401 BOSLEY AVENUE

DATE AND TIME: WED, AUG 19, 1998 — 2 PM

REQUEST: _____ Special Hearing to approve A WAIVER PURSUANT

TO SECTION 210-171, 210-172(b), BCC OF SECTIONS
210-203(C)(8) AND SECTION 210-278 TO RAZE THREE
STRUCTURES: 118, 140, AND 144 CHURCH LANE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
July 30, 1998 Issue - Jeffersonian

Please forward billing to:

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

410-494-6200

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-33-SPH
118, 140, & 144 Church Lane
N/S Church Lane, approximately 1300' & 1750' & 1800' W of York Road
8th Election District - 3rd Councilmanic District
Legal Owner: Sterling Industry Lane, L.L.C., c/o Sterling Capital, L.T.D.

Special Hearing to approve a waiver pursuant to Section 26-171, BCC of Sections 26-203 (C)(8), Section 26-172(b) and Section 26-278 to raze three structures: 144 Church Lane, 140 Church Lane, and 118 Church Lane.

HEARING: Wednesday, August 19, 1998 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, Maryland


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 22, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-33-SPH
118, 140, & 144 Church Lane
N/S Church Lane, approximately 1300' & 1750' & 1800' W of York Road
8th Election District - 3rd Councilmanic District
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HEARING: Wednesday, August 19, 1998 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, Maryland

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Robert A. Hoffman, Esquire
Sterling Industry Lane, L.L.C.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY AUGUST 4, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



RE: PETITION FOR SPECIAL HEARING
118, 140 & 144 Church Lane, N/S Church Lane,
appx. 1300', 1750', and 1800' W of York Rd, 8th
Election District, 3rd Councilmanic

Legal Owners: Sterling Industry Lane LLC,
c/o Sterling Capital LTD


Petitioner(s)


* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-33-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of August, 1998, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21204, attorney for Petitioner(s).

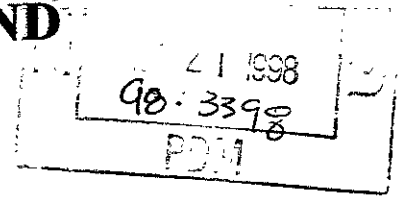

PETER MAX ZIMMERMAN

8/19

8/21/98
8
ST
for file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE



Lawrence E. Schmidt
TO: Zoning Commissioner

DATE: August 19, 1998

Arnold F. 'Pat' Keller, III
FROM: Director, Office of Planning

SUBJECT: Case No. 99-33-SPH - (Sterling Industry Lane LLC)

BACKGROUND

The three former dwellings at 118, 140 and 144 Church Lane were part of the nineteenth century industrial community of Texas. In the context of an overall study of historic resources in the Texas area begun in 1978, Maryland Historical Trust Inventory numbers were assigned to these three sites (BA 1809, 1818 and 1820, respectively).

The properties are now owned, as part of a larger tract extending northward to Industry Lane, by Sterling Industry Lane, LLC (which is also the Petitioner in this case). In preparation to develop the overall site for a Home Depot store, the owner applied to Baltimore County for the demolition permits to raze the three structures.

Shortly before the permits would have been issued, the owner was informed that the Dept. of Permits & Development Management had instituted a new policy requiring that any demolition permit for a structure on the MHT Inventory would first have to be reviewed through a Special Hearing. The purpose of the hearing is to obtain a finding by the Hearing Officer regarding compliance with the "must be preserved" requirement in County Code Section 26-278.

The hearing was set for August 19, 1998, and arrangements were made to have the matter presented for advisory review by the Landmarks Preservation Commission (LPC) in its meeting on August 13, 1998.

On or about July 21, 1998, and without the permits having been issued, the three buildings were demolished by a sub-contractor (employed by the owner's contractor). The owner's attorney, Robert A. Hoffman, stated to the LPC on August 13th that the demolitions were inadvertent and

Memo To: Lawrence E. Schmidt, Zoning Commissioner
Subject: Case No. 99-33-SPH – (Sterling Industry Lane LLC)
August 19, 1998
Page 2

had been performed without the knowledge or approval of the owner. He stated further that, upon learning of the action, he had immediately reported the matter to PDM, requesting that the County issue citations and impose full penalties against all parties.

Three citations were issued by PDM. The hearing, before Mr. Schapiro, on the civil penalties will be scheduled in September.

LPC's ACTION

In addition to his verbal report in the August 13th meeting, Mr. Hoffman introduced Ms. Kathryn M. Kuranda, an architectural historian, who presented and summarized her written report on the condition and historic value of the three buildings. No objection was made to her findings. The LPC's staff historian, John W. McGrain, who had visited the sites about two weeks before the demolitions, confirmed that the buildings were in poor to derelict condition.

From a thorough discussion of the information presented, the LPC voted two conclusions to be communicated to the Hearing Officer:

- None of the three buildings would have been likely to qualify for the Baltimore County Landmarks List.
- The maximum amount of the fines under current County law is insufficient to constitute a serious deterrent to violations, and should be increased significantly.

CONCLUSIONS AND RECOMMENDATIONS

The actual demolitions render the matter of literal compliance with Section 26-278's "must be preserved" requirement moot.

Aside from their value as "contributing" structures in the overall Texas community, the historic value of the three buildings would have come from the information they could have provided about building technology or living conditions in that era. Given the absence of prior documentation of those features, any attempt to reconstruct the buildings would now be entirely conjectural as to the original structural elements. Although the loss of the buildings has further diminished the integrity of what remains from the historic era of the Texas community, the modest degree of their design value as architecture argues against the appropriateness of attempting to require reconstruction.

Memo To: Lawrence E. Schmidt, Zoning Commissioner
Subject: Case No. 99-33-SPH – (Sterling Industry Lane LLC)
August 19, 1998
Page 3

Thus, in the unique circumstances of this case, the Hearing Officer could appropriately find that *literal compliance with Section 26-278 cannot reasonably be achieved, and that the County's scheduled hearing for imposing penalties against the violations will satisfactorily dispose of the matter.*

If, as a procedural issue, it is necessary for the Hearing Officer to grant a waiver, under the authority of Section 26-172(a), from compliance with Section 26-278 and/or other Sections of the development regulations, this memorandum may be taken as a request by the Director of the Office of Planning for such action.

As a final, informational matter, the Office of Planning intends to request, in the hearing before Mr. Schapiro, that he impose the maximum fines but also allow that, in lieu of paying the fines directly to Baltimore County, the violators be allowed to donate at least the same amount of money to an eligible not-for-profit organization, preferably the Baltimore County Historical Trust, Inc., for improving the effectiveness of historic preservation activities in Baltimore County. A similar provision was made in 1989, in a case involving the Trentham property (a Final Landmarks List structure).

Although we are not certain whether the Hearing Officer's authority under Section 26-278 would allow for making the finding and waiver conditional on the foregoing outcome, your opinion and order might at least support its appropriateness.



Arnold F. 'Pat' Keller, III

AFK:TD:bjs

c: Robert A. Hoffman, Petitioner's Attorney
Judith Kremen, Executive Director, BCHT
✓ Stanley Schapiro, Hearing Officer, PDM
Kimberly Abe, Administrative Secretary, LPC



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Calverton Avenue
Towson, Maryland 21204

Code Enforcement: 410-887-3351 Extension
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

VIOLATION(S) OF TITLE 3, 7, 18, 24, OR 26 OF THE
BALTIMORE COUNTY CODE, ZONING, OR OTHER
CODES, REGULATIONS, AND POLICIES AS
INDICATED BELOW:

Violation Notice No.

109608

Case No.:

Election District

46

Permit No.

B342793

Name (s)

STERLING INDUSTRY LANE LLC

Address

AGENT/DIRK GRIFFIN

Location of Violation (if different than address)

140 CHURCH LANE

Vehicle License No.:

Vehicle ID:

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

County Code:

§§

§§

Building Code (BOCA):

§§

§§

Investment Property Act (7-66):

§§

Plumbing Code (NSPC):

§§

Other: §§

Zoning Regulations:

§§

§§

Livability Code (18-66):

§§

§§

Electrical Code (NEC):

§§

Dwelling (CABO):

§§

COMMENTS OR OTHER VIOLATIONS:

ISSUED PERMIT WED BEFORE
RAZE. OF STRUCTURE

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE
FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED ON
THE REVERSE SIDE OF THIS VIOLATION NOTICE.

DATE ISSUED:

\$1,000.00 INVEST. FEE.

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION AND IDENTIFICATION OF THE FOREGOING VIOLATIONS,
YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER
PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE
INSPECTIONS AND ENFORCEMENT.

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

DATE ISSUED:

7-27-98

INSPECTOR:

7-27-98

G. BERRY

IMPORTANT INFORMATION ON FINES AND PENALTIES PRINTED ON REVERSE SIDE.
PLEASE READ CAREFULLY.

DEFENDANT



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Code Enforcement: 410-887-3351 Extension
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

VIOLATION(S) OF TITLE 3, 7, 18, 24, OR 26 OF THE
BALTIMORE COUNTY CODE, ZONING, OR OTHER
CODES, REGULATIONS, AND POLICIES AS
INDICATED BELOW:

Violation Notice No.
109606

Case No.:

Election District: 8 Permit No: B-344369

Name (s) STERLING INDUSTRY LAND LLC

Address AGENT/ DIRK GRIFFIN

Location of Violation (if different than address) 144 CHURCH LANE

Vehicle License No.: _____ Vehicle ID: _____

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

County Code:

§§ _____
§§ _____

Zoning Regulations:

§§ _____
§§ _____

Building Code (BOCA):

§§ 1071
§§ _____

Livability Code (18-66):

§§ _____
§§ _____

Investment Property Act (7-66):

§§ _____

Electrical Code (NEC):

§§ _____

Plumbing Code (NSPC):

§§ _____

Dwelling (CABO):

§§ _____

Other: §§ _____

COMMENTS OR OTHER VIOLATIONS:

144 CHURCH LANE PERMIT REQ RE FOOT
PAZE OF STRUCTURE

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE
_____. FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED ON
THE REVERSE SIDE OF THIS VIOLATION NOTICE.

DATE ISSUED: _____ INSPECTOR: _____

\$1,000.00 INVEST FEE
STOP WORK NOTICE

PURSUANT TO INSPECTION AND IDENTIFICATION OF THE FOREGOING VIOLATIONS,
YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER
PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE
INSPECTIONS AND ENFORCEMENT.

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN: 7-27-98

DATE ISSUED: 7-21-98 INSPECTOR: G. BENDIX

IMPORTANT INFORMATION ON FINES AND PENALTIES PRINTED ON REVERSE SIDE.
PLEASE READ CAREFULLY.

DEFENDANT

99-33

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: August 10, 1998

TO: Larry Schmidt
Zoning Commissioner

FROM: John M. Altmeyer – G.B.
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 033

PETITIONER: Sterling Industry Lane, L.L.C.

VIOLATION CASE NO.: 98-4081 (118 Church Lane)
98-4080 (140 Church Lane)
98-4082 (144 Church Lane)

DEFENDANTS: Sterling Industry Lane, L.L.C.

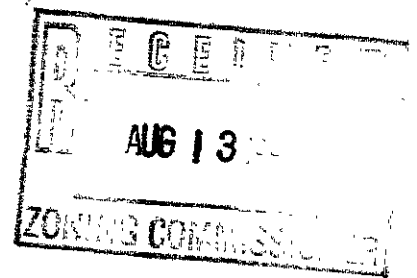
Please be advised that the aforementioned petition is the subject of an active Violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JMA/gb





Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3353
Fax: (410) 887-5708

July 23, 1998

Home Depot, U.S.A., Inc.
c/o Robert A. Hoffman, Esq.
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

The Berg Group, Inc.
c/o David J. Berg, Resident Agent
1401 West Hamburg Street
Baltimore, MD 21230

Chesapeake Site Contractors, Inc.
c/o Charles E. Rosolio, Resident Agent
502 Washington Avenue, Suite 502
Towson, MD 21204

Dear Messrs. Hoffman, Berg and Rosolio:

RE: Permit No. B342793, 140 Church Lane
Permit No. B344370, 118 Church Lane
Permit No. B 344369, 144 Church Lane
4th Election District

CASE No.
98-4080

CASE No.
98-4081

CASE No.
98-4082

Under Section 7-36(b)(1) of the Baltimore County Code (BCC), any owner, agent, builder, or contractor who shall erect, construct, repair, alter, remodel, remove, or demolish, or who shall undertake the erection, construction, repairing, altering, remodeling, removal, or demolition of a building or structure of any kind or any part thereof in the county without having obtained a permit as aforesaid shall be guilty of a misdemeanor.

Furthermore, Section 7-36(b)(2) BCC subjects the owner, agent, builder or contractor in violation of this section to a civil penalty of \$1000.

Having had Inspector Glenn Berry investigate the subject property on July 21, 1998, it has been confirmed that three structures have been razed without permits.





Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3353
Fax: (410) 887-5708

July 24, 1998

Home Depot, U.S.A., Inc.
c/o Robert A. Hoffman, Esq.
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

The Berg Group, Inc.
c/o David J. Berg, Resident Agent
1401 West Hamburg Street
Baltimore, MD 21230

Chesapeake Site Contractors, Inc.
c/o Charles E. Rosolio, Resident Agent
502 Washington Avenue, Suite 502
Towson, MD 21204

Dear Messrs. Hoffman, Berg and Rosolio:

RE: Permit No. B342793, 140 Church Lane
Permit No. B344370, 118 Church Lane
Permit No. B 344369, 144 Church Lane
4th Election District

Within 24 hours from the date of this correspondence all three buildings that were razed on the above-referenced properties must be restored to the original condition.

Failure to complete this requirement will result in the issuance of a citation to each of you, wherein, a monetary penalty of \$200 per day per building will be assessed until such time as this issue is resolved.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a long horizontal stroke at the end.

ARNOLD JABLON
Director

AJ/JHT/hek

CJT118,140,144CHURCHa



Messrs. Hoffman, Berg, and Rosolio
Page 2
July 23, 1998

Therefore, notwithstanding any other notice provided by the county, please be advised that in addition to any other penalties provided by law, a civil penalty of \$1000 per structure is hereby assessed.

Payment of said penalties shall be to the Director of Finance, and sent to the Department of Permits and Development Management, 111 West Chesapeake Avenue, Towson, MD 21204.

Should you wish to contest this penalty, a hearing is scheduled for September 8, 1998 at 9:00 a.m. in Room 106 of the Baltimore County Office Building.

No required permit may be issued until such time as this matter is resolved.

Sincerely,



ARNOLD JABLON
Director

AJ/JHT/hek

CVT\118,140,144CHURCH



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 21, 1998

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Drop-Off Petition
Case Number 99-33-SPH
118, 140, 144 Church Lane
8th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "WCR/scj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosure





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 12, 1998

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Drop-Off Petition Review (Item #33)
118, 140, and 144 Church Lane
8th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph C. Merrey". There is a small superscript "6" at the end of the signature.

Joseph C. Merrey
Planner II
Zoning Review

JCM:rye

Enclosure (receipt)

c: Zoning Commissioner



**BALTIMORE
COUNTY
HISTORICAL
TRUST inc.**

☐ Community Preservation at Work ☐
Post Office Box 10067
Towson, MD 21285-0067
410-832-1812

To: Lawrence Schmidt
Baltimore County Zoning Commissioner
From: Judith S. Kremen, Executive Director
Baltimore County Historical Trust, Inc.
Re: Case #99-33 SPH
Date: August 19, 1998

The purpose of today's hearing is to request a waiver from Baltimore County Code Section 26-278 requiring that properties on the Maryland Historical Trust Inventory must be preserved plus other sections. It is impossible to preserve the three structures in question. A few weeks ago, they were demolished without a permit.

In recent months, the Department of Permits and Development Management staff members have been evaluating and modifying the department's policies and procedures. They have made progress both within their agency and with others in the County. Today's hearing is the result of a work in progress. Previously, the owner would have been able to get a permit without such a hearing. While the existence of such a meeting might not prevent the demolition of these structures, it would have provided an opportunity for setting some conditions to be met prior to their demise. Examples might be: making measured drawings of the interiors and exteriors and/or a complete set of documentary photographs for the County's photo archives or the donation of usable building materials to a nonprofit organization for the restoration or rehabilitation of other older and historic structures in our jurisdiction.

The Baltimore County Historical Trust, Inc. views this incident with concern. It is hard to imagine how a subcontractor can show up on a site without the proper paperwork in hand and demolish three structures. This is one in a number of situations over the years in which a regulation or policy has been ignored, contributing to a public perception that developers have an indifferent attitude towards compliance with preservation laws.

While recognizing that you are limited by existing regulations as to what actions you are able to take, we urge you to consider the following:

- Encourage Baltimore County to suspend the license of the subcontractor from doing work in this jurisdiction for one year;
- Apply the fullest penalty to all entities who were involved in the demolition, i.e.: the owner, the contractor, and the subcontractor and instruct that the money be given to a nonprofit organization; and
- Establish an advisory committee to work with the Department of Permits and Development Management to review all existing regulations and procedures to ensure that they are in compliance with one another, to propose new wording for those areas where nothing appropriate exists, and to set stiffer penalties.

The Baltimore County Historical Trust, Inc. wants Baltimore County government to send a clear message: regulations will be fairly enforced and apply to all.

Feb No 4

July 31, 1998

Mr. Tom Gallagher
Real Estate Manager
The Home Depot
3096 Hamilton Blvd.
South Plainfield, NJ 07080

Dear Mr. Gallagher,

Thank you so much for taking the time to come by and show us the revised plans for your planned construction that moves the planned retaining wall some 10 feet away from our property line. We are relieved that we will not have to move our storage shed and grandchildren's playground.

We also wanted to thank you for removing the houses at 140, 144 and 118 Church Lane. The houses at 140 and 144 Church Lane have been in total disrepair and inhabitable for a long time. The neighbors along Church Lane have always been concerned about the safety of these houses. 118 Church Lane was in need of repairs and unoccupied for a long time. Over the years it had become a haven for vandals and vagrants. Once again thanks for keeping us aware of your plans and for cleaning up the abandon lots along Church Lane.

Sincerely,

George F. Eckerd
Margaret E. Eckerd
Mr. & Mrs. George Eckerd
Owners 132 Church Lane

CITIZEN SIGN-IN SHEET

ADDRESS

P.O. Box 10067 Towson, Md. 21285

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

26.
EX.
No 1

Lawrence E. Schmidt
TO: Zoning Commissioner

DATE: August 19, 1998

Arnold F. 'Pat' Keller, III
FROM: Director, Office of Planning

SUBJECT: Case No. 99-33-SPH - (Sterling Industry Lane LLC)

BACKGROUND

The three former dwellings at 118, 140 and 144 Church Lane were part of the nineteenth century industrial community of Texas. In the context of an overall study of historic resources in the Texas area begun in 1978, Maryland Historical Trust Inventory numbers were assigned to these three sites (BA 1809, 1818 and 1820, respectively).

The properties are now owned, as part of a larger tract extending northward to Industry Lane, by Sterling Industry Lane, LLC (which is also the Petitioner in this case). In preparation to develop the overall site for a Home Depot store, the owner applied to Baltimore County for the demolition permits to raze the three structures.

Shortly before the permits would have been issued, the owner was informed that the Dept. of Permits & Development Management had instituted a new policy requiring that any demolition permit for a structure on the MHT Inventory would first have to be reviewed through a Special Hearing. The purpose of the hearing is to obtain a finding by the Hearing Officer regarding compliance with the "must be preserved" requirement in County Code Section 26-278.

The hearing was set for August 19, 1998, and arrangements were made to have the matter presented for advisory review by the Landmarks Preservation Commission (LPC) in its meeting on August 13, 1998.

On or about July 21, 1998, and without the permits having been issued, the three buildings were demolished by a sub-contractor (employed by the owner's contractor). The owner's attorney, Robert A. Hoffman, stated to the LPC on August 13th that the demolitions were inadvertent and

Memo To: Lawrence E. Schmidt, Zoning Commissioner
Subject: Case No. 99-33-SPH – (Sterling Industry Lane LLC)
August 19, 1998
Page 2

had been performed without the knowledge or approval of the owner. He stated further that, upon learning of the action, he had immediately reported the matter to PDM, requesting that the County issue citations and impose full penalties against all parties.

Three citations were issued by PDM. The hearing, before Mr. Schapiro, on the civil penalties will be scheduled in September.

LPC's ACTION

In addition to his verbal report in the August 13th meeting, Mr. Hoffman introduced Ms. Kathryn M. Kuranda, an architectural historian, who presented and summarized her written report on the condition and historic value of the three buildings. No objection was made to her findings. The LPC's staff historian, John W. McGrain, who had visited the sites about two weeks before the demolitions, confirmed that the buildings were in poor to derelict condition.

From a thorough discussion of the information presented, the LPC voted two conclusions to be communicated to the Hearing Officer:

- None of the three buildings would have been likely to qualify for the Baltimore County Landmarks List.
- The maximum amount of the fines under current County law is insufficient to constitute a serious deterrent to violations, and should be increased significantly.

CONCLUSIONS AND RECOMMENDATIONS

The actual demolitions render the matter of literal compliance with Section 26-278's "must be preserved" requirement moot.

Aside from their value as "contributing" structures in the overall Texas community, the historic value of the three buildings would have come from the information they could have provided about building technology or living conditions in that era. Given the absence of prior documentation of those features, any attempt to reconstruct the buildings would now be entirely conjectural as to the original structural elements. Although the loss of the buildings has further diminished the integrity of what remains from the historic era of the Texas community, the modest degree of their design value as architecture argues against the appropriateness of attempting to require reconstruction.

Memo To: Lawrence E. Schmidt, Zoning Commissioner
Subject: Case No. 99-33-SPH – (Sterling Industry Lane LLC)
August 19, 1998
Page 3

Thus, in the unique circumstances of this case, the Hearing Officer could appropriately find that literal compliance with Section 26-278 cannot reasonably be achieved, and that the County's scheduled hearing for imposing penalties against the violations will satisfactorily dispose of the matter.

If, as a procedural issue, it is necessary for the Hearing Officer to grant a waiver, under the authority of Section 26-172(a), from compliance with Section 26-278 and/or other Sections of the development regulations, this memorandum may be taken as a request by the Director of the Office of Planning for such action.

As a final, informational matter, the Office of Planning intends to request, in the hearing before Mr. Schapiro, that he impose the maximum fines but also allow that, in lieu of paying the fines directly to Baltimore County, the violators be allowed to donate at least the same amount of money to an eligible not-for-profit organization, preferably the Baltimore County Historical Trust, Inc., for improving the effectiveness of historic preservation activities in Baltimore County. A similar provision was made in 1989, in a case involving the Trentham property (a Final Landmarks List structure).

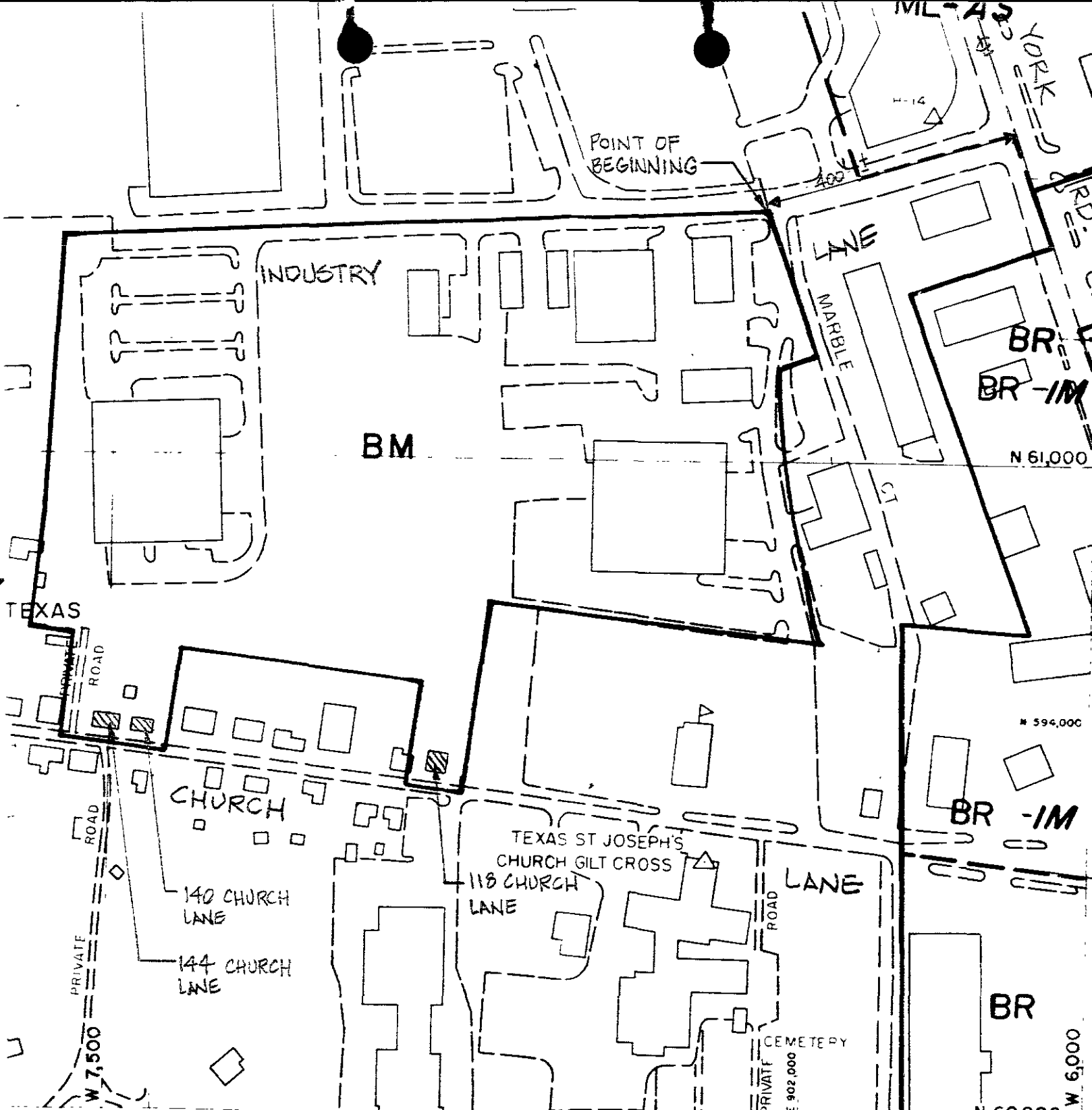
Although we are not certain whether the Hearing Officer's authority under Section 26-278 would allow for making the finding and waiver conditional on the foregoing outcome, your opinion and order might at least support its appropriateness.



Arnold F. 'Pat' Keller, III

AFK:TD:bjs

c: Robert A. Hoffman, Petitioner's Attorney
Judith Kremen, Executive Director, BCHT
Stanley Schapiro, Hearing Officer, PDM
Kimberly Abe, Administrative Secretary, LPC



SCALE

1" = 200' ±

LOCATION

TEXAS

SHEET

N. W.

16-B

DATE
OF
PHOTOGRAPHY
JANUARY
1986

99-33-SPH

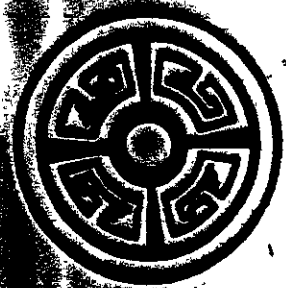
Vol. No 3

August 13, 1998

**HISTORICAL INVESTIGATION OF
118, 140, AND 144 CHURCH LANE
BALTIMORE COUNTY, MARYLAND**

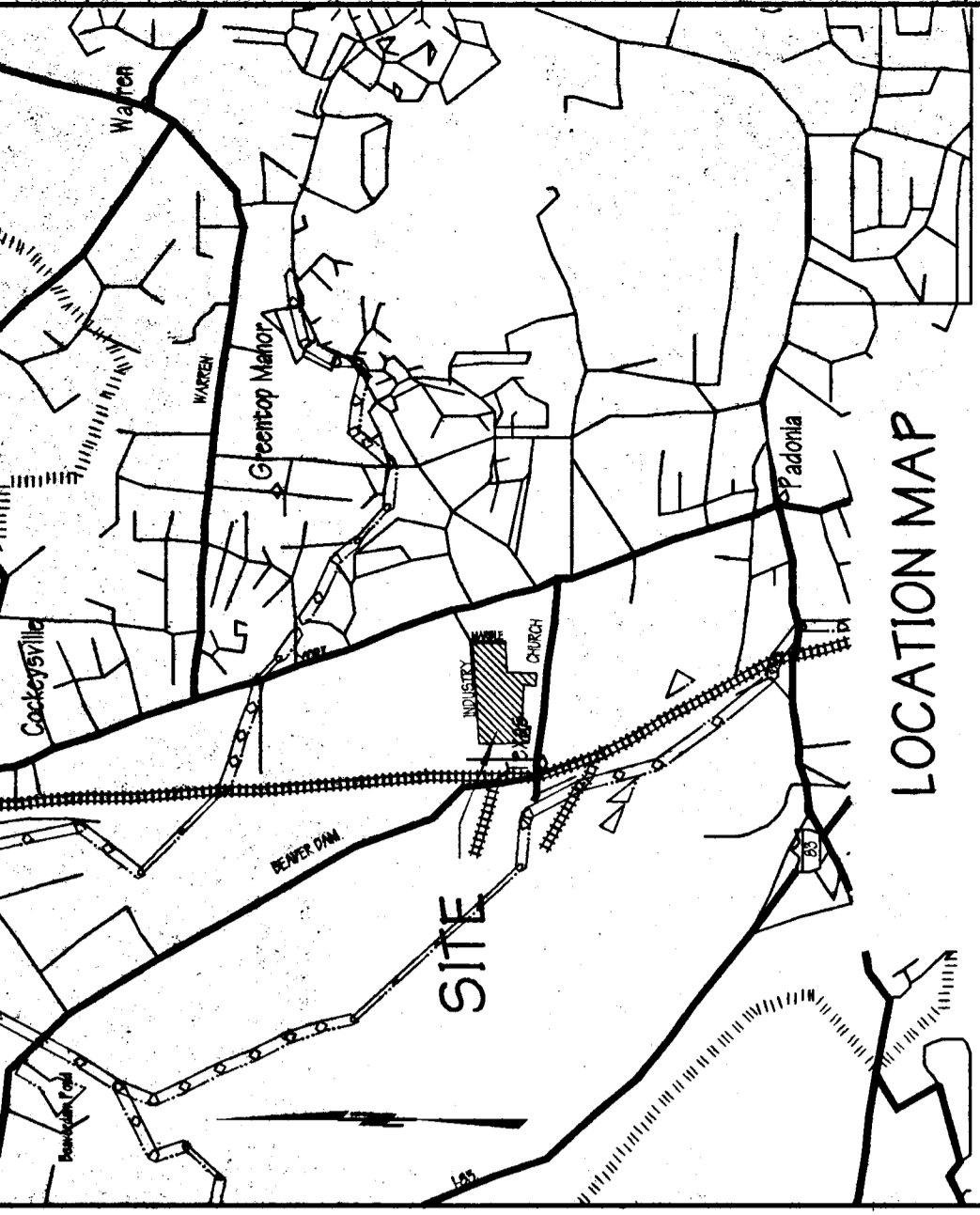
SUMMARY REPORT

**R. Christopher Goodwin & Associates, Inc.
241 E. Fourth Street
Suite 100
Frederick, Maryland 21701**



PREPARED FOR:

**The Home Depot
3096 Hamilton Blvd.
South Plainfield, New Jersey 07080**



LOCATION MAP

SITE DATA

1. Site Area - 18.649 Ac. +/-
2. Existing Building - 1
3. Existing Building - 2
4. Condemned District - 3
5. Census Tract - 4084
6. Watershed - 11
7. Subwatershed - 32
8. Existing Use - Office, Manufacturing
9. Dead Reference - 49/100
10. Tax Account No. - 25000002729

LEGEND

- | | |
|------------------|-----|
| PROPERTY LINE | --- |
| EX. CONTOURS | --- |
| EX. BUILDINGS | --- |
| EX. SANITARY | --- |
| EX. WATER | --- |
| EX. STORM DRAINS | --- |
| EX. SOILS LINE | --- |
| EX. ZONING | --- |

ZONING HISTORY

- 1996 COMPREHENSIVE ZONING MAP - ISSUE 3.085
- ZONING REQUESTS - 18.10 AC. +/- ML-1M TO 18.10 AC. +/- BM
- ZONING GRANTED - 18.1 AC. +/- BM

99-33-SPH

PLAT TO ACCOMPANY A PETITION
FOR SPECIAL HEARING / WAIVER

FOR
144, 140, AND 118
CHURCH LANE

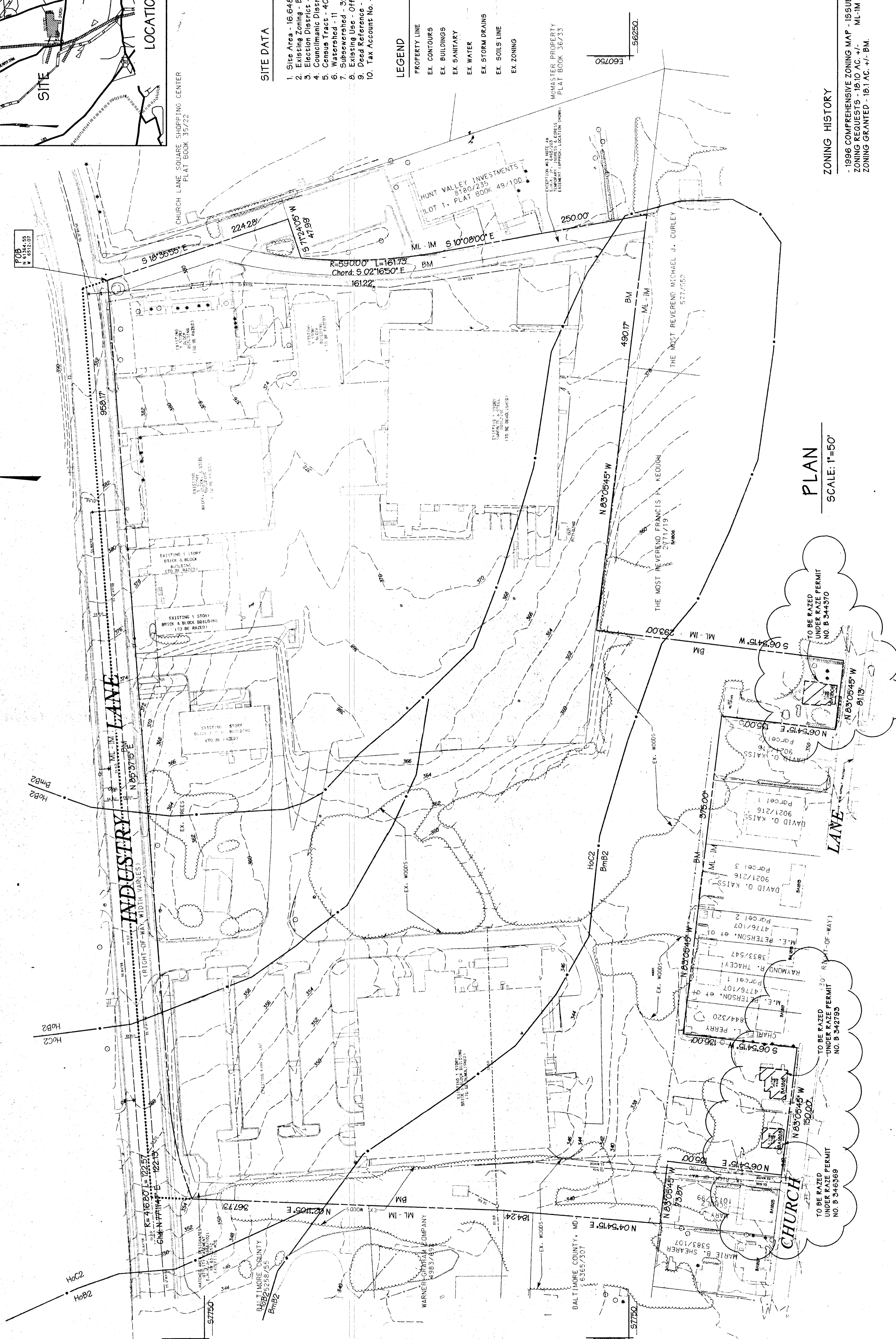
BALTIMORE COUNTY, MD.
ELECTION DIST. 8C3
SCALE: AS SHOWN
JULY, 1998

A SPECIAL HEARING TO APPROVE A WAIVER FROM
SECTION 26-278 TO PERMIT THE DEMOLITION OF
THREE STRUCTURES:
- 144 CHURCH LANE
- 140 CHURCH LANE
- 118 CHURCH LANE

PROPERTY OWNER
STERLING INDUSTRY LANE LLC
C/O STERLING CAPITAL LTD.
650 DUNDAS RD SUITE 370
NOR THOROK, IL 60062-2797

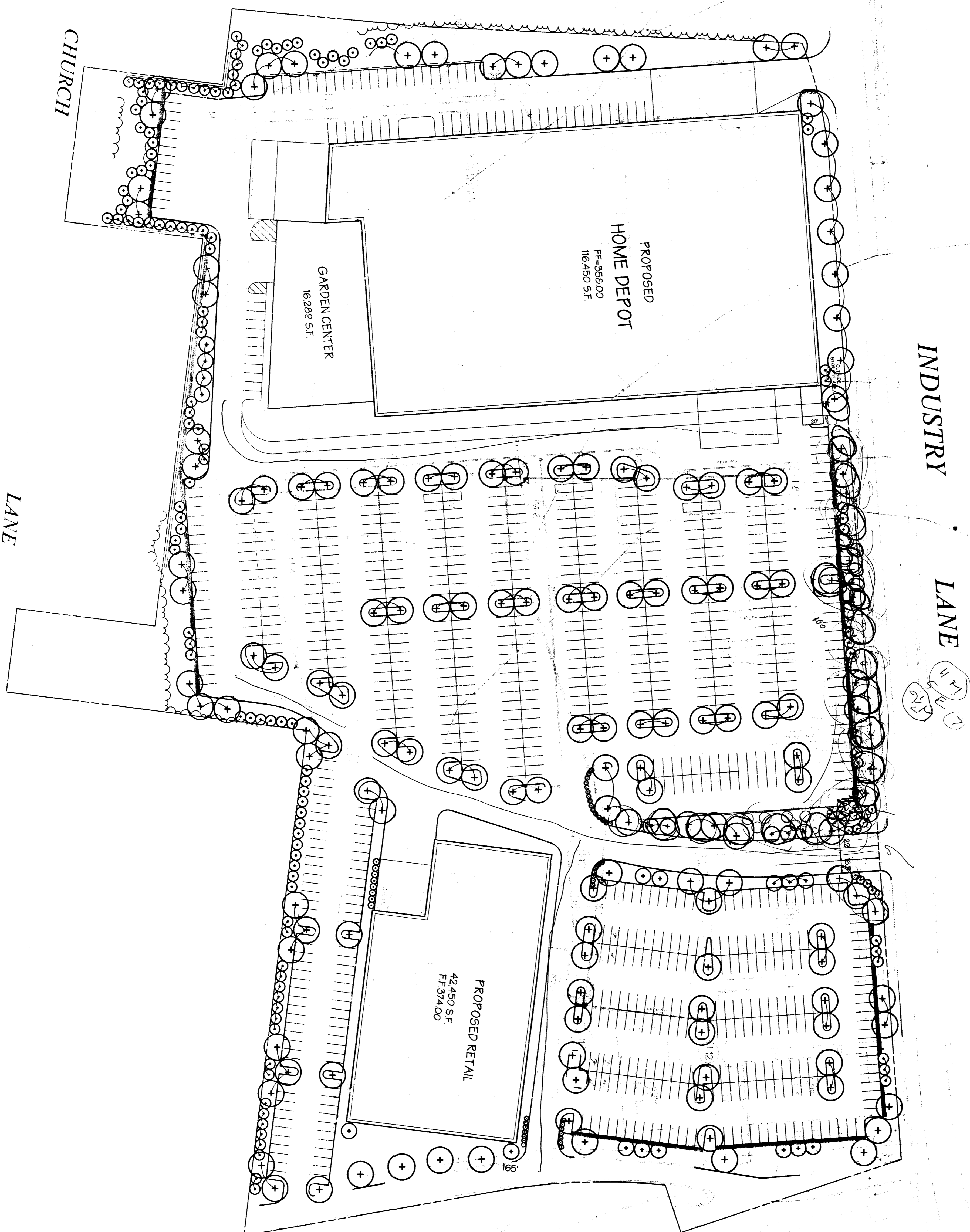
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS
658 BELMONT DRIVE SUITE 100
TOWSON MARYLAND 21204
(410) 825-8120



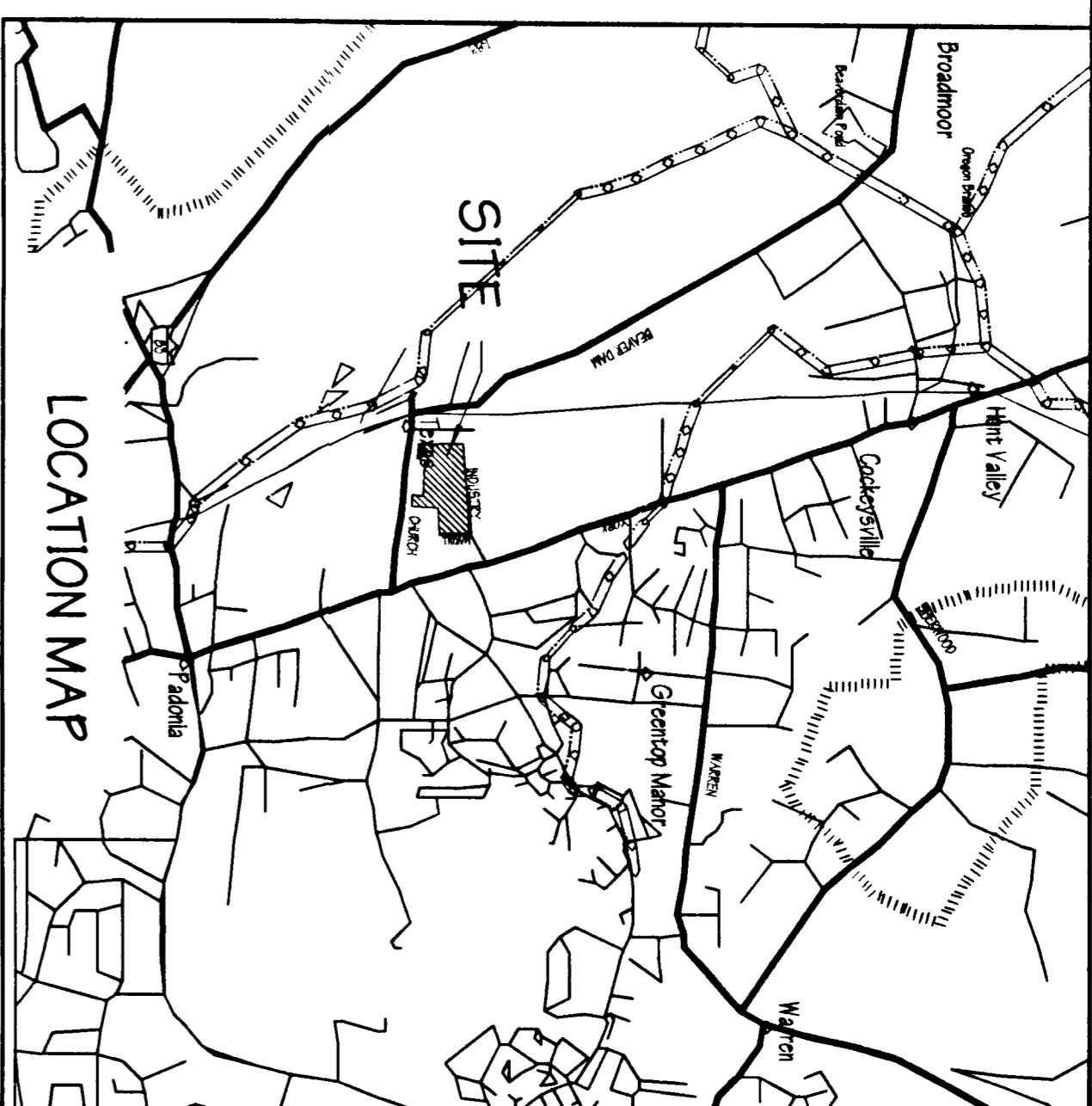
[illegible][illegible]

SITE DATA	
1 Site Area: 16,648 sq. ft.	
2 Existing Zoning: BM	
3 Election District: 6	
4 Councilmanic District: 3	
5 Census Tract: 4004	
6 Watershed: 11	
7 Subwatershed: 32	
8 Proposed Retail: 175,669	
9 Non-Retail: 175,669	
10 Total: 351,338 SF	
11 Other Retail: 42,400 SF	
12 Existing Use: Office Manufacturing	
13 Parking	
14 Existing: 5 SF, 1,000 SF	
15 Proposed: 550 SF	
16 Total: 1,550 SF	
17 Tax Account No.: 4300002749	
18 Proposed: 401,729,669 SF = 2,800,747.5 SF	
19 Proposed: 175,669 SF = 0.24 FAR	
20 Paid: \$15,000	



PLAN
SCALE: 1"=50'

SCALE: 1"=50'



90% REVIEW	
PERMIT ISSUE	
BID ISSUE	
REVISIONS:	
NO. •	DATE
REMARKS:	

LEGEND

EXISTING TREE LINE

PROPOSED TREE LINE

PROPOSED MAJOR DECIDUOUS TREE

PROPOSED MINOR DECIDUOUS TREE

PROPOSED EVERGREEN TREE

PROPOSED SHRUB

Note: All landscaping comments on Development Plan will be addressed on the final landscaping plan.

LANDSCAPING CALCULATIONS

ADJACENT ROADS
@ I.P.U. / 40 LF.

INTERIOR ROADS	1932 LF / 40	= 4822	PU
21 PU / 20 LF			

SCREENING

201 P.U. / 15 L.F.

1500 LF / 20' = 20' P.U.

$$\frac{540}{1.7 / 15} = 36 \text{ P.U.}$$

COMM RESID USE	25	LF / 15	= 4.67	FO
PARKING LOTS	21	PU / 12 F.S.		

2015/12 = 6725 P.U.

TOTAL P.U. REQUIRED = 27917 P.U.

7% LANDSCAPED AREA IN PARKING LOT
310277 S.F. x .07 = 21719 S.F.

	PLANTING UNITS PROVIDED	EXISTING	NEW
1.0000	1	0	0
2.0000	1	0	0
3.0000	1	0	0
4.0000	1	0	0
5.0000	1	0	0
6.0000	1	0	0
7.0000	1	0	0
8.0000	1	0	0
9.0000	1	0	0
10.0000	1	0	0
11.0000	1	0	0
12.0000	1	0	0
13.0000	1	0	0
14.0000	1	0	0
15.0000	1	0	0
16.0000	1	0	0
17.0000	1	0	0
18.0000	1	0	0
19.0000	1	0	0
20.0000	1	0	0
21.0000	1	0	0
22.0000	1	0	0
23.0000	1	0	0
24.0000	1	0	0
25.0000	1	0	0
26.0000	1	0	0
27.0000	1	0	0
28.0000	1	0	0
29.0000	1	0	0
30.0000	1	0	0
31.0000	1	0	0
32.0000	1	0	0
33.0000	1	0	0
34.0000	1	0	0
35.0000	1	0	0
36.0000	1	0	0
37.0000	1	0	0
38.0000	1	0	0
39.0000	1	0	0
40.0000	1	0	0
41.0000	1	0	0
42.0000	1	0	0
43.0000	1	0	0
44.0000	1	0	0
45.0000	1	0	0
46.0000	1	0	0
47.0000	1	0	0
48.0000	1	0	0
49.0000	1	0	0
50.0000	1	0	0
51.0000	1	0	0
52.0000	1	0	0
53.0000	1	0	0
54.0000	1	0	0
55.0000	1	0	0
56.0000	1	0	0
57.0000	1	0	0
58.0000	1	0	0
59.0000	1	0	0
60.0000	1	0	0
61.0000	1	0	0
62.0000	1	0	0
63.0000	1	0	0
64.0000	1	0	0
65.0000	1	0	0
66.0000	1	0	0
67.0000	1	0	0
68.0000	1	0	0
69.0000	1	0	0
70.0000	1	0	0
71.0000	1	0	0
72.0000	1	0	0
73.0000	1	0	0
74.0000	1	0	0
75.0000	1	0	0
76.0000	1	0	0
77.0000	1	0	0
78.0000	1	0	0
79.0000	1	0	0
80.0000	1	0	0
81.0000	1	0	0
82.0000	1	0	0
83.0000	1	0	0
84.0000	1	0	0
85.0000	1	0	0
86.0000	1	0	0
87.0000	1	0	0
88.0000	1	0	0
89.0000	1	0	0
90.0000	1	0	0
91.0000	1	0	0
92.0000	1	0	0
93.0000	1	0	0
94.0000	1	0	0
95.0000	1	0	0
96.0000	1	0	0
97.0000	1	0	0
98.0000	1	0	0
99.0000	1	0	

MAJOR DECIDUOUS	\odot	11	
MINOR DECIDUOUS	\odot	21	

		162	P.U.
		= 162	
		24	P.U.
		= 12	

EVERGREEN
SHRUB

21
51

128
367

= 64 PU
= 73.14 PU

TOTAL P.U. PROVIDED = 311.4 P.U.

.....~~23195~~ TOTAL S.F. PROVIDED

SCHEMATIC LANDSCAPE PLAN

THE HOME DEPOT
TIMONIUM, MD.



GEORGE WILLIAM STEPHENS, JR

DEVELOPMENT PLAN

SCALE
1" = 20'